

Policing personality disordered offenders in the community; Robert Oliver - a case study

Michael Lewis discusses an inter-agency response.

Background

In addressing issues of public safety in the context of offenders with personality disorders I will be dealing with Non Registered Sex Offenders and Registered Sex Offenders. I will also look at issues around the use of Sex Offenders Orders and good practice issues in dealing with registered sex offenders from a police perspective. I have been asked

specifically to talk about the Robert Oliver case that came to prominence in Brighton almost two years ago, using our experience as a case study. I will also discuss the subsequent work of a home office working group looking at similar releases.

Let me first deal with the Oliver case. The case may be nearly two years old but it is still very relevant. Only recently the

preferred Home Office solution has manifested itself here in Nottingham. The resolution has raised huge issues over 'civil liberties' and public safety and I will return to these later. Many other issues also remain and it would be naive to pretend that there is not another Robert Oliver currently in the prison system awaiting release.

The question for me is, would anything be different? Or would colleagues in this room be facing the same dilemmas that faced police, social services and probation in Brighton for some four months.

The 'health warning' I would give is that this case is in many senses still 'live' - the underlying problem as to what to do with Robert Oliver and his like remains firmly on the agenda.

Oliver was convicted of manslaughter in 1989 and sentenced to fifteen years' imprisonment. With time on remand he served a total of ten years of this sentence and was released in September 1997. As he was sentenced before 1992 he was not on licence nor under any supervision order on release.

Prior to his arrest he had lived in London. On release he visited addresses in London and then moved to Swindon, where he in fact registered under the *Sex Offenders Act 1997*. Already, though, the media were on his track and the police in Wiltshire took the decision to disclose. The media and public attention drove Oliver out of Swindon and he

travelled across to Dublin, but was promptly intercepted by the Gardai and put on the next ferry for Liverpool. He then made his way to Manchester.

Again he was in contact with police locally and on the evening of Thursday 9th October, he arrived by train in Brighton. We were notified by Greater Manchester Police and he was met by the divisional pro-active team and kept under surveillance. His first action, before leaving the station, was to make a telephone call to a local man with known paedophile connections. To our subsequent knowledge, Oliver had only ever visited Brighton once before - on a day trip as a youngster - and had no other connections with the town. And yet, here he was within minutes of his arrival making a contact. Overnight he spent his time at a night shelter.

A 'risk assessment' meeting was held at Brighton Police Station on Friday 10th October involving social services and probation. Neither of these agencies had any immediate suggestions regarding accommodation and it was agreed that he should be kept under surveillance over the weekend.

Over the weekend 11/12th October, Oliver met a convicted paedophile living at an address in Shoreham and stayed one night with him. On the Saturday he was followed into Brighton where he was seen to frequent the amusement arcades on the Palace Pier. He was then seen to go into Hove Library where he was observed with another man, taking an interest in the youngsters in the children's section. On the Sunday he was again seen in the vicinity of the Palace Pier and was observed taking a close interest in children on the beach. He had found temporary accommodation in the St Patrick's Night Shelter and police were able to persuade the management to allow him to stay for an additional night - so at least we knew where he was.



David Kidd-Hewitt

Public pressure

On Monday 13th October, media interest had become intense and local communities were becoming increasingly anxious about Oliver's presence in the Brighton and Hove area. One of the 'aggravating' factors was that Oliver had damaged his leg and visited the local hospital for treatment, so the likelihood of his exposure was therefore further increased. It was clear that the tabloid press 'knew' he was in Brighton and the decision to disclose was taken. A letter was sent by the Director of Education to all schools for the attention of parents.

On Tuesday 14th October, the press became aware that Oliver had been staying at the St Patrick's Night Shelter and camped outside awaiting his return. The staff indicated that, quite understandably, they would not accept Oliver that night.

Oliver was therefore 'met' by a Detective Inspector in the town centre and came voluntarily to Brighton police station seeking a 'place of safety'. Neither probation nor social services had been able to find suitable accommodation and it was agreed that he should be housed voluntarily at a local police station as an interim measure.

A full press conference was held at Brighton police station on Wednesday 15th October, attended by representatives of the national and local media. From that time, considerable effort was made on the part of the probation service and police to provide suitable accommodation, to no avail.

Whilst at the police station he was interviewed by senior representatives of the probation service. They concluded that:

- he remained a serious risk to children;
- public hostility meant that he could not live out in the community;
- psychiatric referral was a possibility, but it would be difficult to find anywhere to take him

In view of the high risk he posed, the probation service did not consider he was suitable for placement within a probation

hostel. As a result of that assessment, Oliver was seen by a psychiatrist from the local secure unit. Their assessment noted:

- Oliver is not mentally ill and cannot be 'sectioned';
- he is in total denial and will offend;
- he remains a high risk and is viewed as extremely dangerous, particularly when with 'like-minded' people;
- secure establishments were unlikely to take Oliver as a voluntary patient and the two specialists could suggest no other establishment that might be willing to accept him.

Every subsequent assessment said the same. The man is not mentally ill and therefore does not come within the remit of the Mental

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Health Act provisions.

At the time that Oliver was being initially assessed, there was a small, but vociferous, demonstration outside Brighton police station, attended by members of the press. The protesters were seeking reassurances with regard to public safety and were seeking changes to the legislation to prevent a repeat of the Oliver scenario. We never revealed where Oliver was being held, and very largely we managed to maintain that position, mainly to avoid precisely the sorts of protest that were seen in Yeovil. The division was aware that both the *Evening Argus* and BBC South knew where Oliver was being held but, to their credit, agreed not to divulge his whereabouts at the time.

It then took four long months for that 'interim solution' to be resolved. Four months during which probation sought to find

suitable accommodation that met the needs of both the individual and the public.

A local issue?

For some time Oliver was seen by the Home Office simply as a 'local operational issue'. We lobbied long and hard for Oliver to be seen as a national issue that required a national solution. Our assessment from the outset was that, jointly, we needed to be professional in our approach. Oliver had been hounded from place to place and, potentially, was becoming more dangerous as time went on. He was becoming increasingly desperate and frightened. We needed to find a way of breaking that cycle in the best interests of all concerned. Initially, it is fair to say that we felt let down for taking such a stance. What we did in Brighton was not the answer. But every assessment indicated that whilst he was not

briefed. And using them to lobby in government quarters.

Throughout the Oliver scenario we were warning Home Office officials that the rest of the team, including Sydney Cooke, were awaiting release. As responsible agencies we needed to plan for those releases in a way that was not done for Oliver. Colleagues in the Metropolitan Police and Avon and Somerset would have something to say about whether this planning proved successful in the case of Cooke. I would suggest Cooke highlighted the difficulties facing the agencies.

On a more positive note, from these quite difficult early negotiations emerged a joint agency Home Office working group that is now looking at the cases of some 90 sex offenders, currently in the prison system, and who are due for release without restrictions and without the need to register. The group will examine the 'release strategy' some two to three months beforehand and will prepare the relevant agencies for that managed release, as far as they are able. The role of the group, has, I understand, also expanded to examine the concept of 'dangerousness' - a concept that was pushed very hard by Penny Buller, the Chief Probation Officer for East Sussex when handling the Oliver case.

Overall, I think there has been progress - but there remains much to do in developing a long term strategy for dealing with those who are 'outside the system' but who remain a significant risk.

Let me turn now to the second strand of my presentation:

- the implications of the *Sex Offenders Act*;
- the use of Sex Offenders' Registers and
- some practical good practice issues for police.

Overall, I understand the ACPO position is that implementation of the Act is seen as broadly successful, although there are significant gaps that are currently under debate. Let us be clear though. The Sex Offenders Registers are a start, but cannot be the complete answer. There are those who would say that the registers simply allow politicians

to 'pass the buck' to already hard-pressed agencies in the field. Nevertheless, no register per se has protected any vulnerable group or individual, but at least we now know, with some degree of certainty given the high level of registrations, more than we did previously as to who might be living in the area.

The Register, of course, is dependent upon the offender actually remaining at his registered address, and experience elsewhere has shown that in some areas a very high percentage of those registered had moved on from that address soon after registration. With regard to Sex Offenders Orders, again the legislation potentially offers the agencies a useful tool, but to date it remains largely untested. There are two cases currently being considered in Hampshire and I understand that GMP have used the power.

For police, a key issue - and one that has restricted applications - is that of community notification as required under the order. The question we would ask nationally is, how does that public notification assist the police?

I do understand that this is one agency's perspective and certainly not that of a parent. But with 260,000 sex offenders in the UK, and 110,000 of them offending against children, how can parents keep tabs on all of these? By notifying too often, do we simply raise fears unnecessarily?

In Oliver's case, disclosure in a letter from schools to parents was perhaps the only source of potential tension between the agencies. Certainly, the police view is tempered by the 'name and shame' experience in the US where the naming and shaming meant that offenders simply could not be housed and therefore became more dangerous. I know that was precisely the experience when a local paper in Bristol chose to reveal the identity and whereabouts of a known sex offender who, to the knowledge of the relevant agencies, was living near a school. The agencies had taken a professional assessment that it was better for the individual to remain in a stable environment where he could be monitored. The paper took a different view and the man disappeared and went to ground as a direct result of the publicity generated by the paper.

Inter-agency strategies

As I mentioned earlier, it is important that the respective agencies have clear strategies and protocols for dealing with sex offenders. In Brighton we benefited immensely from previously agreed protocols between the agencies. We each of us knew our roles and respective positions and this made matters much easier to handle when the pressure was on. What has proved more difficult has been agreeing a working protocol with housing. I understand fully their position, but somehow we need to place these individuals.

Accurate profiling of individuals is essential. What is the risk for future offending? What is his cycle of offending? What makes him vulnerable? What is likely to increase his 'dangerousness'? Do we understand the 'grooming' process adopted by certain individuals? Where is he most likely to be gravitating? What are his networks and how does he make contact with others of a similar inclination? Oliver had only visited Brighton once before as a child, and yet within an hour of arriving in the town he had met up with a convicted paedophile - a man, to our knowledge, with whom he had never before been in contact. The use of expert advice in establishing this profile and gaining an understanding of the individual is crucial.

A second element in building this picture is go to go back to source - i.e. to obtain the fullest background to previous offences wherever possible directly from the officer who dealt with the offender on previous occasions. The need to build up as accurate a picture of the individual is vital, especially as towns like Brighton attract those with no previous connections with the area. With time, the risk assessment process will become more refined and there are already a number of very practical 'guides', but it will always be an impressive science and the professional agencies need to make difficult judgements almost as a matter of routine.

As we unpack the process of registering, profiling and risk-assessing, the next logical step is targeting, both the individual and

potential offending 'hotspots'. Let me say from the outset that the ability of police to target individuals is extremely limited given the number of 'high risk' offenders that are in the community.

The surveillance option, in the traditional sense of highly skilled surveillance teams, is a non-starter. No force has access to that level of specialist support, certainly not for any extended period. Some forces, GMP for example, have successfully adopted other strategies to provide some degree of surveillance, using CBO's, hostel managers, local authority staff etc, to provide information on the individual, usually to indicate that he is not following his normal routine. It does not place the individual, but it does alert officers to changes in behaviour.

Where appropriate, 'in your face' policing has been used as a fairly standard tactic. 'We know who you are and we know where you are'. But there is always the risk that by adopting such tactics you drive the offender away, to who knows where? It is a very fine balance. Target hardening in this context does not mean 'locks and bolts' for those potentially at risk, but it does mean warning those working in and around likely 'hotspots'.

As I mentioned earlier, Oliver and his friend spent an afternoon in the children's section of the local library. In Brighton we had very positive relationships with security staff on the pier and with the proprietors of the amusement arcades, places where vulnerable individuals might be targeted by sex offenders. We were seeking to raise levels of awareness amongst swimming pool staff, playground supervisors, school crossing wardens, etc.

Finally, I include in the targeting process the need to investigate every reported sex offending incident thoroughly, because it might provide just a snippet of information that, together with the accurate profile, will begin to build a picture that could lead to a conviction. An offender was recently sentenced locally to six years' imprisonment for 'drying' a young girl with a towel, a conviction that was secured by building a picture that put that single act in a context of similar and repeated behaviours

over a period of time.

Finally, let me quickly address training issues. It goes without saying that, wherever possible, we should be engaging in joint training, and there is plenty of good practice here, for example, in the child protection arena.

ACPO Crime Committee has recently agreed a national framework for risk assessments and is now proposing national joint training based in five centres across the country. Certainly, a number of forces have already established joint training locally so it will be interesting to see whether ACPO's proposal receives any support.

In drawing this session to a conclusion, the key messages for police good practice are these:

- establish your joint working relationships and establish them early;
- have clear and agreed protocols;
- work to secure an accurate profile of the individual;
- use practised intelligence systems to target only those who present the highest risk.

Collectively, we have come a long way in joint agency working and this has, in my view, allowed us to implement the *Sex Offenders Act* with confidence. Registration is a first step, but what remains high on the agenda, both politically and socially, is what can you realistically do with the 'untreatable personality disorder'? Perhaps the Nottingham solution is a second option. But there must be more.

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